IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 223 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DASHRATHBHAI J PATEL

Versus

L I C

Appearance:

DELETED for Petitioner No. 1

..... for Petitioner No. 2-6

NOTICE SERVED for Respondent No. 1

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 11/09/2001

ORAL JUDGEMENT

The present petition is filed by five individuals and Ex Servicemen Welfare Association through its Executive Member, Shri S.P. Singh as the sixth petitioner. The present petition was filed by Shri R.K. Mishra, as learned advocate for the petitioners. On

12.1.2001, this Court passed an order as under:

"Mr.R.K. Mishra, learned counsel for the petitioners that since now he is on the panel of the advocates for the LIC, he would not be in a position to appear in this matter for the petitioners.

There is nothing on record to show whether Mr.Mishra has given a notice to the petitioners intimating the petitioners about this fact. If such a notice is given, the copy of the notice along with the RPAD slip shall be produced by 2.2.2001. S.O. to 2.2.2001."

2. Thereafter, the matter was adjourned to 16.2.2001 and on 16.2.2001 this Court has passed order as under:

"Mr.R.K. Mishra, learned counsel for the petitioners states that since the petition is filed against the Life Insurance Corporation of India and he is appointed as an advocate on the panel of advocates for the LIC, he would not be in a position to appear for the petitioners in this matter. Mr.Mishra has, therefore, prayed for permission to retire from the petition. Mr.Mishra has also produced a copy of the letter dated 16.1.2001 addressed by him to the petitioners along with the RPAD acknowledgment receipt.

In view of the above, Mr.Mishra is permitted to retire from the matter. The office shall accordingly delete the name of Mr.R.K. Mishra from the cause list.

S.O. to 2.3.2001."

3. In view of the fact that an RPAD slip is produced along with the acknowledgment on the record of the case, the petition is taken up for hearing. The grievance made in the petition is that the petitioners who were Ex Servicemen had applied in response to an advertisement issued by the Life Insurance Corporation dated 28.8.1989 wherein posts of Clerical Assistants, Typists and Stenographers were advertised, of which 19 posts of clerical cadre were reserved for Ex Servicemen. The case of the petitioners is that out of 19 posts reserved for Ex Servicemen, only 8 Ex Servicemen have been selected and the remaining 11 are likely to go to General Category candidates. It is also contended in the petition that in

view of the law laid down by the Division Bench of this Court, the competition for reserved posts has to be between and amongst the class of persons competing for such reserved posts and that criterion of competition amongst the general category candidates does not apply to candidates competing for the reserved posts. It is alleged that in the impugned examination, the candidates competing for general category and for reserved posts were treated alike and therefore, the same is illegal and arbitrary. On perusal of the record no material is placed to substantiate this case by the petitioners.

4. The petitioners also contended in para 4 as under:

> "4. Petitioners submit that through their Association, they have approached the 2nd respondent in order to find out as to what had happened to the interview which was conducted on 3.12.1989, result of which was not so far declared and the reasons of not declaring the same, to which the petitioner- Association was told that as against 19 reserved vacancies only 8 candidates have been selected and when it was specifically asked as to why the results are not declared or place on the notice board of the office of the 2nd respondent; whereas the appointment orders are being issued, to which no satisfactory reply was given. .. .."

5. On perusal of the entire petition no documentary support is found to the aforesaid case of the petitioners. It is not clear as to whether the so called association of the petitioners have ever represented their case before 2nd respondent in its true spirit and it is also not clear from the petition as to what is the reply of respondent no.2 to the representation made by the petitioners, if any. On perusal of the papers, the petition is too vague. No case is made out by the petitioners that the respondent corporation has not given necessary relaxation as provided for in clause VII of the advertisement. Under clause (a) relaxation regarding age and under clause (b) relaxation regarding qualification was provided. It is no where the case of the petitioners that though were eligible with or without relaxation, they are not selected.

6. In such circumstances the present petition is dismissed. Rule is discharged. Interim relief is vacated. No order as to costs.

(Ravi R. Tripathi, J.)

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